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BY ELECTRONIC MAIL

Ms. Carol Batterton (MC-176)
Director, Compliance Support Division
Office of Compliance and Enforcement
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

> Re: EPA's Enforcement and Compliance History Online (ECHO) Database

Dear Ms. Batterton:

Thank you for providing the Texas Industry Project (TIP)[1] with the opportunity to share our experiences with EPA's Enforcement and Compliance History Online (ECHO) database. We realize that the TCEQ does not administer this website. Hopefully, you will find our experiences with the database during the 60-day trial period useful as you prepare your comments to EPA.

I.   General Data Reliability Issues

In general, although we support the public availability of compliance and enforcement data, it is essential that whenever such data is posted on the internet, it is correct, up to date, and easily understood. Public availability of enforcement and compliance data serves an important purpose. However, serious consequences can result where inaccurate information results in public misconceptions regarding environmental compliance. As a result, industry should have an opportunity to correct data prior to its release to the public.

- Where certain data is not entered into the Permit Compliance System (PCS) within a short time frame from its receipt, the system automatically flags the facility as in significant noncompliance. The effort required for individual regulated entities to monitor the accuracy of this data is significant, and delays in entering data that are no fault of a particular company can result in erroneous findings of significant noncompliance.

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[1] The Texas Industry Project is a group of approximately fifty companies with operations in Texas. TIP members include a variety of companies in the following sectors: electric utilities, petrochemicals, upstream operations, petroleum refining, forest products, semiconductor manufacturing and aeronautics.

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- The schedule on which data is loaded onto the database is unclear. Exactly when automatic data transfers occur should be disclosed, allowing regulated entities to review the data as quickly as possible. Ideally, automatic notification of data transfers should be made to a company's primary contact person.

- The presentation of data is difficult for facility personnel to interpret. The public will only find it more difficult to understand, possibly resulting in misinterpretations that could negatively impact companies.

- Apparently, ECHO is only "refreshed" with new data once per month. In addition, further delay is caused by the amount of time it takes to resolve a correction request. Once a correction request is resolved, the data should be immediately uploaded to the site.
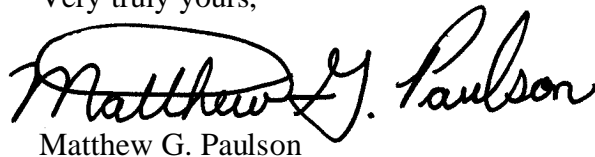
II.   Additional Specific Concerns

- TIP supports EPA's removal of TRI data from the ECHO database. It is not related to enforcement and therefore, does not belong in this format. For the same reasons, EPA should remove demographic data.

- Although apparently not EPA's intent, any member of the public can file a correction request. Access to the correction process should be absolutely limited to the owner or operator of the site in question.

- EPA should "flag" data fields to indicate that their accuracy is under review immediately upon receipt of a correction request.

- The search engine appears to have a limited ability to perform boolean searches, and should be updated to yield more accurate search results.

- Searches should be performed using NAICS codes rather than SIC codes. NAICS codes more accurately describe business segments.

- Assuming the intended audience is the general public, a glossary of terms should be provided.

- EPA should allow the input of a single general contact point for each company. The contact information listed is often outdated or otherwise invalid. In addition, listing multiple contact persons will result in increased costs to industry when individuals with expertise in a specific area are forced to field general inquiries outside of their knowledge.

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- Dates of purchase or sale of facilities should be included.

- The presentation of data does not fairly reflect the magnitude of alleged violations. A small reporting error is presented in the same format and may be viewed in the same way by the public as a significant release.

Again, TIP appreciates the opportunity to share our experiences regarding the EPA's ECHO database. If you have any questions, please do not hesitate to contact us.

Very truly yours,

Matthew G. Paulson

cc: Steve Kilpatrick
        Bob Stewart

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